

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE  
OF UTAH, IN AND FOR DUCHESNE  
COUNTY.

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SAND WASH IRRIGATION CO.,  
a corporation,

Plaintiff,

vs.

IRA B. CANNON, FRED CASE, GEORGE  
POTTS, PERCY POTTS, N. J. MITCHELL,  
PARLEY G. MITCHELL, AMBROSE MITCHELL  
and OSCAR NELSON,

Defendants.

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D E C R E E

1257

The above entitled cause came on duly and regularly to be heard this 29th day of June, A. D. 1936, before the above entitled Court, sitting without a jury, none of the parties hereto having demanded a jury, upon the verified complaint of the plaintiff, Sand Wash Irrigation Co., a corporation, the answer and cross-complaint of the Dry Gulch Irrigation Company, the answer and affirmative defense of Ira B. Cannon and Fred Case, the answer and affirmative defense of George Potts and Percy Potts, the answer and affirmative defense of N. J. Mitchell, Parley G. Mitchell and Ambrose Mitchell, and the answer and affirmative defense of Oscar Nelson, the replies of the plaintiff and the replies of the Dry Gulch Irrigation Co., A. V. Watkins, Esq., appearing as counsel for the plaintiff, and Ray E. Dillman, Esq., appearing as counsel for the Dry Gulch Irrigation Co., a corporation, and Brockbank and Pope, by M. B. Pope, appearing as counsel for the defendants, Ira B. Cannon and Fred Case in their separate defense; George Potts and Percy Potts in their separate defense; Parley G. Mitchell, N. J. Mitchell and Ambrose Mitchell in their separate defenses; and Oscar Nelson in his separate defense, and said cause proceeded in trial to and including the 3rd day of June, A. D. 1936, and the Court, having

heard the testimony of the witnesses presented by each and all of the parties hereto, and having taken the matter under advisement, and having considered the briefs and arguments of the respective parties hereto, and being fully advised in the premises, and the Court, having heretofore made and entered herein, its written Findings of Fact and Conclusions of Law as the Court's decision in writing herein,-

It is Now, therefore, by the Court, hereby ORDERED, ADJUDGED and DECREED:

1. That the waters claimed by Ira B. Cannon and Fred Case are percolating waters, arising in and near the head of what is known as Blood Draw on property belonging to Chester Hartman, August Pearson and Ira B. Cannon in Duchesne County, State of Utah; and that the defendants Ira B. Cannon and Fred Case are the owners of 1-1/8 second fee of said water from said Blood Draw in Duchesne County, Utah, at their present points of diversion from January 1st to December 31st, inclusive, of each and every year; and their right, title and interest thereto, as such owners in fee simple, is hereby declared quieted and established against any and all claimants, and are paramount to the claims of all parties hereto.

2. That the Sand Wash Irrigation Company is the owner of seven second feet of water from said Sand Wash for irrigation purposes, at its present points of diversion from March 15th to December 1st of each year, when there is sufficient water to supply said amount; and its title thereto is hereby declared quieted and established, with the priority date of June 12, 1914.

3. That the Dry Gulch Irrigation Company is the owner of ten second feet of water from said Sand Wash for irrigation purposes, at its present point of diversion, from April 1st to October 31st of each year, when there is sufficient water to supply said amount, subject to the prior appropriations hereinabove set out, and its title thereto is hereby declared quieted and established with the priority date of September 28, 1916.

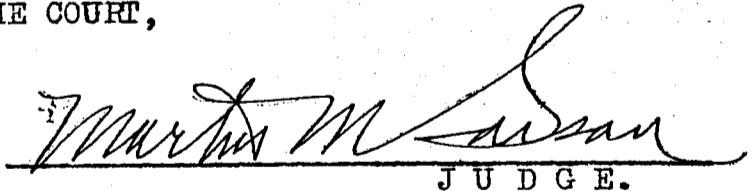
4. That Nathaniel J. Mitchell is the owner of 78/100 second foot of water from said Sand Wash for irrigation purposes, at his present point of diversion from March 15th to October 31st of each year, subject to the prior appropriations hereinabove set out, and his title thereto is hereby declared quieted and established, with the priority date of August 10, 1926.

5. That George Potts is the owner of 5/10 of a second foot of water from said Sand Wash for irrigation purposes, at his present point of diversion from April 1st to October 31st of each year, subject to the prior appropriations hereinabove set out, and his title thereto is hereby declared quieted and established, with the priority date of August 16, 1926.

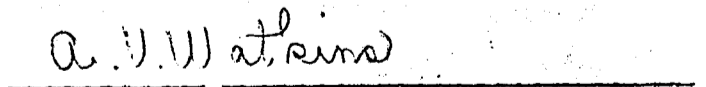
6. That Oscar Nelson is the owner of 6/10 of a second foot of water from said Sand Wash for irrigation purposes, at his present point of diversion from March 15th to October 15th of each year, subject to the prior appropriations hereinabove set out, and his title thereto is hereby declared quieted and established with the priority date of November 11, 1926.

Dated and done in open court this 29th day of June, A. D. 1936.

BY THE COURT,

  
J U D G E.

Received a copy of the foregoing Decree this 3rd day of September, A. D. 1936.

  
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